IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

Crl.MC.No. 1483 of 2007()

PETITIONER:

MUHAMMED IQBAL, S/O. HASAN RAWTHER,
FATHIMA COTTAGE, PAIPAD, CHANGANACHERRY.

BY ADV. SRI.M.P.MADHAVANKUTTY
SRI.GOKUL DAS V.V.M.

RESPONDENTS:

DEPUTY TAHSILDAR,
CHENGANNOOR, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.1483 of 2007

Dated this the 4th day of June 2007

O R D E R

The petitioner's lorry has been seized by the revenue officials. The allegation is that it has involved in the illicit transportation of sand, contrary to the provisions of 'The Kerala Protection of River Banks and Regulation of Removal of Sand Rules, 2002'. The seizure was not effected by the police. The seizure has not been reported to the learned Magistrate. The petitioner has not moved the learned Magistrate under Section 457 Cr.P.C. In these circumstances, the petitioner has come before this court complaining about the seizure of the vehicle by the revenue officials and retention of the same in the custody of the revenue officials, though it is stated that the vehicle is now remaining in the police station.

2. There is no grievance about any act of impropriety or inadequacy within the criminal adjudicatory process. Revenue officials have seized the vehicle and if they have not proceeded in accordance with the provisions of the 'The Kerala Protection

of River Banks and Regulation of Removal of Sand Rules, 2002', it is for the petitioner to move this court with an appropriate petition under Article 226 of the Constitution. In as much as no challenge is raised against anything in the criminal justice system, I am of the opinion that this Criminal Miscellaneous Case under Section 482 Cr.P.C cannot succeed.

3. This Criminal Miscellaneous Case fails and accordingly dismissed.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007